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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-220

13 **ANN MARIE SPARKS**

14 P.O. Box 10047
Napa, CA 94581

A C C U S A T I O N

15 Registered Nurse License No. 527374

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
20 in her official capacity as the Executive Officer of the Board of Registered Nursing.

21 2. On or about October 17, 1996, the Board of Registered Nursing issued
22 Registered Nurse License Number 527374 to Ann Marie Sparks (Respondent). The Registered
23 Nurse License expired on August 31, 2008.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing
26 (Board), under the authority of the following laws. All section references are to the Business and
27 Professions Code unless otherwise indicated.

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1 license.

2 “(c) Be convicted of a criminal offense involving the prescription, consumption,
3 or self-administration of any of the substances described in subdivisions (a) and (b) of this
4 section, or the possession of, or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
6 thereof.

7
8 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Substantially Related Conviction)**

14 9. Respondent is subject to disciplinary action pursuant to section 2761(f) of
15 the Code, in that she was convicted of a criminal offense which is substantially related to the
16 qualifications, functions, and duties of a registered nurse, as follows:

17 a. On or about April 10, 2007, in the criminal proceeding entitled *People of*
18 *the State of California vs. Ann Marie Sparks*, Superior Court of California, County of Glenn
19 County, Willows Branch, Case No. 07SCR03601, Respondent was convicted on her plea of nolo
20 contendere to a violation of Vehicle Code section 23152(a) (driving under the influence), a
21 misdemeanor.

22 b. Respondent was sentenced to three (3) years court probation.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Substantially Related Convictions)**

25 10. Respondent is subject to disciplinary action pursuant to section 2761(f) of
26 the Code, in that she was convicted of a criminal offense which is substantially related to the
27 qualifications, functions, and duties of a registered nurse, as follows:

28 / / /

1 a. On or about November 2, 2007, in the criminal proceeding entitled *People*
2 *of the State of California vs. Ann Marie Sparks*, Superior Court of California, County of Solano,
3 Case No. VCR190158, Respondent was convicted on her plea of nolo contendere to a violation
4 of Penal Code section 647(f) (public intoxication), a misdemeanor.

5 b. Respondent was sentenced to one (1) year summary probation.

6 c. The underlying circumstances are that on or about May 5, 2007,
7 Respondent was falling down while putting her three (3) young children into her minivan.
8 Respondent had a strong odor of alcohol, a severely staggered gait, and slow, slurred speech.
9 Respondent vomited from her intoxication level.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Use of Alcohol to a Dangerous Extent)**

12 11. Respondent is subject to disciplinary action pursuant to section 2762(b) of
13 the Code, on the grounds of unprofessional conduct, in that Respondent used alcohol to an extent
14 or in a manner dangerous or injurious to herself, any other person, or the public or to the extent
15 that such use impairs her ability to conduct with safety to the public the practice authorized by
16 her license, as set forth in paragraphs 9 and 10, above.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Conviction Involving Alcohol)**

19 12. Respondent is subject to disciplinary action pursuant to section 2762(c) of
20 the Code, on the grounds of unprofessional conduct, in that Respondent was convicted of
21 criminal offenses involving alcohol, as set forth in paragraphs 9 and 10, above.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Board issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 527374, issued
26 to Ann Marie Sparks.

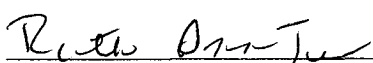
27 2. Ordering Ann Marie Sparks to pay the Board the reasonable costs of the
28 investigation and enforcement of this case, pursuant to Business and Professions Code section

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125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 3/23/09



RUTH ANN TERRY, M.P.H, R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant